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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,777	11/09/2000	Robert D. Hayes	YOR920000503US1/IBM-0010	3454

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EXAMINER

COLON, CATHERINE M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/711,777

Applicant(s)

HAYES ET AL.

Examiner

C. Michelle Colon

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-18, 20-23, 26-52, 54-65, 67-70 and 73-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-18, 20-23, 26-52, 54-65, 67-70 and 73-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Final Office Action in response to the communication received on September 30, 2004. Claims 1-5, 7-9, 17, 20, 37, 45-52, 54-56, 64 and 67 have been amended. Claims 6, 19, 24, 25, 53, 66, 71 and 72 have been cancelled. Claims 84 and 85 have been added. Claims 1-5, 7-18, 20-23, 26-52, 54-65, 67-70 and 73-85 are now pending in this application.

Response to Amendment

2. Applicant's amendments to claims 1-5, 7-9, 17, 20, 37, 45-52, 54-56, 64 and 67 are acknowledged.

Response to Arguments

3. Applicant's arguments have been fully considered, but are found unpersuasive. In the Remarks, Applicant argues the following: 1) that Aycock does not teach or suggest communications initiated by a first enterprise accessing a web site of a second enterprise; 2) that Aycock does not recite authenticating a user ID a password for the first enterprise that is accessing information at the web site of the second enterprise; 3) that Aycock does not teach or suggest replicating a database in response to a request to receive a survey form and updating a database at the second enterprise with response data provided in survey form; and 4) that Aycock does not teach or suggest designating a draft mode or final mode indicator for the response data stored in the database.

Art Unit: 3623

In response to arguments 1) and 2), Examiner respectfully disagrees. In col. 3, line 62-col. 4, line 2; col. 10, lines 49-67; col. 11, lines 1-9; and Figure 2, Aycock discloses a system that provides suppliers at a first business system, called the supplier site, via a remote terminal (item 74 in Figure 2) with access to a second main system, called a supplier evaluation system (item 68 in Figure 2), the second main system having users such as system designers, buyers and procurement specialists. Suppliers are granted limited access to the second main system with proper access codes. User ID's and passwords are the same as access code as both provide the same functionality in terms of granting access into a system via a communications network.

In response to argument 3), Examiner respectfully disagrees. In col. 3, line 62-col. 4, line 6; col. 10, lines 55-67; col. 11, lines 1-9; col. 11, line 51-col. 12, line 16; and Figure 2, Aycock discloses the main processing system (second enterprise) receives a request from a supplier (from a first enterprise) to complete a supplier evaluation form. The supplier evaluations and other relevant data are stored in databases at the second enterprise system and the suppliers can download the evaluations and other relevant data to databases on their system (first enterprise). Once suppliers complete the evaluations, they can upload their responses to the second enterprise system, thus updating the databases at the second enterprise system. Downloading data from a database, which is copying the data to a local location and uploading data to a database, which is updating the data in the database, provide essentially the same function as replicating the database.

In response to argument 4), Examiner respectfully disagrees. In col. 11, lines 1-9; col. 11, line 63-col. 12, line 13; col. 13, lines 55-61; and Figure 5, Aycock discloses supplier response data received from the first enterprise is stored in databases at the second enterprise. The supplier evaluation system loads stored supplier response data for certain RFP/RFQ's and prompts suppliers to indicate to the system to keep the response data, indicating a final mode, or to allow the suppliers to edit their response data, indicating a draft mode.

Therefore, Applicant's arguments have been fully considered, but found unpersuasive and the rejections to claims 1-5, 7-18, 20-23, 26-52, 54-65, 67-70 and 73-85 are provided below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 7-14, 16, 17, 20-23, 26-36, 38-52, 54-61, 63, 64, 67-70 and 73-85 are rejected under 35 U.S.C. 102(b) as being anticipated by Aycock et al. (U.S. 5,765,138).

As per claim 1, Aycock et al. discloses a method for facilitating product development and procurement functions in a communications network environment, comprising:

receiving a request from a first enterprise system to contact a web site maintained by a second enterprise system, said second enterprise system authenticating a user ID and password of a user of said first enterprise system (col. 3, line 62-col. 4, line 2; col. 10, lines 17-42 and 49-67; col. 11, lines 1-9; Figure 2; The system provides suppliers at a first business system via a remote terminal (item 74 in Figure 2) with access to a second main system (item 68 in Figure 2), that has users such as system designers/buyers/procurement people, via a communications network. Suppliers are granted proper access codes to enter the main processing system to view RFP/RFQ's and upload responses to evaluation surveys.);

in response to receiving a request to complete a survey, providing the first enterprise system with access to a survey form stored in a database that is replicated at the second enterprise system (col. 3, line 62-col. 4, line 6; col. 10, lines 55-67; col. 11, lines 1-9; col. 12, lines 14-16; Figure 2; The main processing system (second enterprise) receives a request from a supplier (from a first enterprise) to complete a supplier evaluation form. The supplier evaluations are stored in databases at the second enterprise system and the suppliers can download the evaluations to their system (first enterprise).);

receiving response data solicited in the survey form (col. 10, lines 60-62; col. 11, lines 1-9; Figure 3); and

updating a database at the second enterprise system with the response data, the updating including storing the response data in one of a draft mode and a final mode designated by the first enterprise system (col. 11, lines 1-9; col. 11, line 63-col. 12, line 13; col. 13, lines 55-61; Figure 3; Supplier response data received from the first enterprise is stored in databases at the second enterprise. The system allows suppliers to save response data or to edit their response data.);

wherein said second enterprise system includes a development toolkit network tool for executing product development and procurement activities (col. 7, lines 56-59; col. 9, line 3-col. 10, line 67; The main processing system enables users such as purchasing/procurement agents to access and evaluate data on various suppliers and products of different types to meet certain project/product requirements. Additionally, the system allows suppliers and products to be compared as part of the evaluation.).

As per claim 2, Aycock et al. discloses the method of claim 1, further comprising:

in response to receiving a request to view a completed survey, replicating a database associated said second enterprise system resulting from the request to view a completed survey and providing access to said database (col. 12, line 57-col. 13, line 14; Figure 3; In response to a supplier requesting to complete an evaluation, the system uses local and remote databases to access certain data. Data is uploaded from the local database to the remote database.);

displaying a list of surveys, said surveys previously completed by said first enterprise system, retrieving one of said surveys from said database in response to a request to view a selected survey and displaying said selected survey (col. 10, lines 60-

Art Unit: 3623

67; col. 13, lines 55-61; Suppliers can access evaluations they have completed as well as view evaluation data other suppliers have completed.).

As per claim 3, Aycock et al. discloses the method of claim 1, wherein the receiving a request to complete a survey includes:

receiving a request to select a survey type from a list of survey type options, and associating said survey form with a technical representative of said second enterprise system (col. 9, lines 3-67; Figures 2 and 3; The user can access supplier self-evaluation surveys as well as other vendor and product capability and performance evaluations from their respective databases.).

As per claim 4, Aycock et al. discloses the method of claim 1, further comprising receiving an attached file with response data (col. 12, lines 14-67; col. 13, lines 5-12; Suppliers can attach their RFP/RFQ responses to the survey form).

As per claim 5, Aycock et al. discloses the method of claim 1, wherein said storing said survey form includes storing said survey form in a draft mode at said second enterprise system (col. 13, lines 55-61; Figure 3; The system allows suppliers to save response data or to edit their response data.).

As per claim 7, Aycock et al. discloses the method of claim 1, wherein said storing said survey form in a final mode occurs at said second enterprise system (col. 13, lines 5-12 and 55-61; Once the surveys are deemed complete, they are uploaded to the databases for storage and subsequent user access.).

As per claim 8, Aycock et al. discloses the method of claim 1, wherein said storing said survey form in said final mode includes:

Art Unit: 3623

transmitting a notification to a representative of said second enterprise system and making available said survey form to said second enterprise system (col. 11, line 63-col. 12, line 27; Suppliers are notified when an RFP/RFQ is submitted. Surveys are made available to suppliers responding to RFPs/RFQs.).

As per claim 9, Aycock et al. discloses the method of claim 3, further comprising: receiving a request to access a stored survey form from said database, retrieving said stored survey form from said database, transmitting said stored survey form to said first enterprise system, said first enterprise editing said stored survey form, receiving edits to said stored survey form and storing said survey form in said database (col. 13, lines 49-61; Suppliers access stored surveys to edit them.).

As per claim 10, Aycock et al. discloses the method of claim 9, wherein said editing is in a draft mode (col. 13, lines 49-61).

As per claim 11, Aycock et al. discloses the method claim 9, wherein said transmitting said survey form includes replicating said database to said second enterprise system and designating said survey form as a new entry (col. 14, lines 9-21).

As per claim 12, Aycock et al. discloses the method of claim 9, wherein said storing said survey form includes storing said survey form in a final mode (col. 14, lines 9-21).

As per claim 13, Aycock et al. discloses the method of claim 12, wherein said storing said survey form in said final mode causes a notification to be transmitted to a representative of said second enterprise system (col. 14, lines 9-21; The supplier is prompted as whether to continue with the survey form or to store the survey form.).

As per claim 14, Aycock et al. discloses the method of claim 1, wherein said communications network environment includes an extranet (col. 10, lines 17-23; Figure 2).

As per claim 16, Aycock et al. discloses the method of claim 1, wherein said user is supplier (col. 3, lines 62-64; col. 9, lines 3-21).

As per claims 22 and 23, Aycock et al. discloses the method of claim 17, wherein said entering said data includes rating said supplier survey, and wherein said rating includes providing markings to said survey, said markings designating a preferred status (abstract; col. 2, line 60-col. 3, line 35; col. 6, line 55-col. 7, line 13; Suppliers are scored and weighted.).

As per claims 84 and 85, Aycock et al. discloses a method and storage medium for facilitating product development and procurement functions in a communications network environment, comprising:

receiving product data and technical information from a plurality of supplier entities via a supplier survey database, the supplier survey database replicated for each of the plurality of supplier entities (col. 9, line 59-col. 10, line 16; col. 11, line 51-col. 12, line 13; Users may download supplier data, as well as product data and specification data from remote databases. Downloading data from a database, which is copying the data to a local location, is essentially the same function as replicating the database.);

associating the product data and technology information with a procurement specialist and providing the procurement specialist with access to the product data and technical information for analysis (col. 11, lines 9-50; Procurement specialists evaluate

Art Unit: 3623

supplier responses and other data along with the RFP/RFQ data in order to determine the appropriateness of a supplier for a project.);

receiving results of the analysis from the procurement specialist, the results including preferred technology recommendations and preferred supplier recommendations (col. 11, lines 9-50; col. 6, line 55-col. 7, line 13; Procurement specialists give the suppliers scores based on their analyses of the suppliers.);

integrating the product development and technical information with the results and with a parts repository resulting in a technical roadmap guide (col. 9, lines 22-64; The supplier evaluation system acts as a technical roadmap guide for procurement specialists since the system contains supplier evaluations and audit reports that reflect the suppliers' technical and product expertise.); and

providing a development engineer with access to the technical roadmap guide (col. 10, lines 17-38; The system designer/engineer that creates the RFP/RFQ for a project has access to the technical roadmap guide to select a supplier that best fits the RFP/RFQ.).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3623

7. Claims 15, 18, 37, 62, 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aycock et al. (U.S. 5,765,138).

As per claim 15, Aycock et al. does not expressly disclose the method of claim 1, wherein said authenticating said user ID and said password is accomplished via a firewall. However, firewalls are old and well known security schemes for preventing outside and unauthorized access into a network. Additionally, Aycock et al. does disclose providing users with access codes to enter the system (col. 10, lines 55-67). Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Aycock et al. to implement a firewall since the system of Aycock et al. already demonstrates security concerns by using access codes to ensure only authorized users have access to data within the system. A firewall would further enhance the system of Aycock et al.'s security.

As per claim 18, Aycock et al. does not expressly disclose the method of claim 17, wherein said receiving said notification is via an electronic mail. However, the system of Aycock et al. discloses using a communication network for different parties' accessing and submitting of data (abstract). Additionally, electronic mail is an old and well known form of communication via a network. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Aycock et al. to send notifications via email since email is old and well known and provides users with an efficient means of communication.

The limitations of claims 17, 20, 21, 26-52, 54-65, 67-70 and 73-83 are substantially similar to those recited in claims 1-5, 7-16, 18, 22, 23, 84 and 85. As such, claims 17, 20, 21, 26-52, 54-65, 67-70 and 73-83 are rejected based on the same reasoning applied to claims 1-5, 7-16, 18, 22, 23, 84 and 85 above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-

Art Unit: 3623

4251. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

703-872-9306 [Official Communications; including After Final
communications labeled "Box AF"]

703-746-7202 [For status inquiries, draft communication, labeled
"Proposed" or "Draft"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA 7th floor receptionist.


cmc

December 15, 2004


TARIQ R. HAFIZ
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